

**THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND  
(SOUTHERN DIVISION)**

JEFFREY STODDARD

Plaintiff,

vs.

SUBARU OF AMERICA, INC., et al.

Defendants.

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Case No.: 8:20-cv-02164-PWG  
Judge Paul W. Grimm

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**DEFENDANT OVERLAND WEST, INC.'S MOTION TO DISMISS FOR LACK OF  
PERSONAL JURISDICTION**

Defendant Overland West, Inc., by and through by and through its attorneys, Matthew A. Ranck and the law office of Schenker, Krause & Lopez,, hereby files this Motion to Dismiss the Amended Complaint for Lack of Personal Jurisdiction pursuant to Rule 12(b)(2) of the Federal Rules of Civil Procedure, and in support thereof states as follows.

1. This lawsuit arises from an automobile accident on May 24, 2018 when Plaintiff allegedly struck a deer while driving a 2018 Subaru Outback that he had rented from Overland West, Inc. (“hereinafter “Overland”). It is further alleged that the vehicle was equipped with Takata airbags that deployed when they should not have, injuring Plaintiff's left hand and thumb. The Amended Complaint alleges that the Plaintiff rented the subject vehicle in Minnesota (See Am. Compl. at ¶ 5), that he drove himself to a local emergency room after the accident (See Am. Compl. at ¶ 9), and Plaintiff's counsel stipulated during the Court's pre-motion conference that the accident did not occur in Maryland. The incident is not alleged to have any connection to Maryland.

2. Overland is incorporated in and has its headquarters and principal place of business in Utah.

3. Overland is not alleged to have purposefully availed itself of the privilege of conducting activities in Maryland or to have conducted any activities in Maryland related to the Plaintiff, his claims or otherwise.

4. Overland does not conduct its activities in Maryland, and has rental locations in seven states - Wyoming, Washington, Idaho, Minnesota, Montana, South Dakota, North Dakota - and sales facilities in three states- Utah, Montana and Idaho.

5. Overland lacks sufficient contacts with the State of Maryland for the Court to exercise personal jurisdiction over it.

6. There is no factual or legal basis for the Court to exercise personal jurisdiction over Overland.

WHEREFORE, for the reasons set forth herein and those more fully set forth in the attached Memorandum of Law, incorporated herein, Overland West, Inc. respectfully requests that its motion be granted and that all claims against it be dismissed and for such other relief as justice may require.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 5th day of November 2020, a copy of the foregoing

Motion to Dismiss was served by the Court's ECF system, and emailed to:

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